

REMARKS

Reconsideration of the referenced application is respectfully requested in view of the foregoing amendments and the following remarks.

The claims listing above reflects Examiner's requirement to restrict the claims and Applicant's election of Group I, claims 1-16. New independent claim 53 has been added to the application and is submitted for consideration.

Examiner has objected to all the claims as being anticipated or obvious, contrary to 35 U.S.C. 102 and 103 respectively, and has cited the following references in support of his position:

U.S. Patent No. 6,351,663 to Flower et al.

U.S. Patent No. 5,951,980 to Collen

U.S. Patent No. 5,375,603 to Feiler

U.S. Patent No. 6,280,386 to Alfano et al.

U.S. Patent No. 5,927,284 to Borst et al.

Applicant has amended the claims to more clearly define the invention. All claims in the application are now dependent on new claim 53. Claim 53 now recites the additional limitation that the angiography is to be performed during an invasive procedure to visualize a blood vessel that is exposed by that procedure. It is submitted that new claim 53 distinguishes over the cited art for the following reasons.

The use of fluorescent angiography during an invasive procedure to view blood vessels exposed by said procedure has unexpected advantages. Traditionally, X-Rays are used to visualize blood vessels in combination with a contrast dye. Imaging using X-Rays requires cumbersome devices that are unsuitable for intra-operative applications. Further, X-Rays do not pass through a conventional operating table. In contrast, fluorescent angiography is particularly suited for visualizing blood vessels during an invasive procedure for several reasons. First, devices used for fluorescent angiography are less cumbersome than conventional X-Rays thus making it easier to fit into an operating room. Second, fluorescent angiography circumvents the problem of operating table penetration that is encountered when using X-Rays since the illumination source and the instrument for image capture are on the same side of the patient. Third, it's quickness and ease of use allows a surgeon to visualize

In re Appln. of DOCHERTY et al.
Application No. 09/744,034

Respectfully submitted,



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Date: May 24, 2004

Amendment or ROA - Regular (Revised 7/29/03)



A DOCPHOENIX

FOLLOW-ON DOCUMENT INDEX SHEET

INCOMING

_____**ACPA**_____
Continuing Prosecution Application

_____**AP.B**_____
Appeal Brief

_____**C680**_____
Request for Corrected Notice/Allowance

_____**C.AD**_____
Change of Address

_____**CFILE**_____
Request for Corrected Filing Receipt

_____**COCIN**_____
Papers filed re Certificate of Corrections

_____**CRFD**_____
Computer Readable Form Defective

_____**CRFE**_____
Computer Readable Form 'ENTERED'

_____**EABN**_____
Request for Express Abandonment

_____**ELC.**_____
Response to Election/Restriction

_____**IFEE**_____
Issue Fee Transmittal PTOL 85 B

_____**IRFND**_____
Refund Request

_____**L_RIN**_____
Any Incoming to L&R

_____**N417**_____
Copy of EFS Receipt Acknowledgement

_____**N/AP**_____
Notice of Appeal

_____**PA..**_____
Change in Power of Attorney

_____**PC/I**_____
Power to Make Copies or to Inspect

_____**PEF.**_____
Pre-Exam Formalities Response

_____**PEFRREISS**_____
Pre-Exam Formalities Reissue Response

_____**PEFRSEQ**_____
Pre-Exam Formalities Sequence Reply

INCOMING

_____**LET.**_____
Misc. Incoming Letter

_____**IMIS**_____
Miscellaneous Internal Document

_____**PGEA**_____
Req Express Aband to avoid Publication

_____**PGA9**_____
Req for Corrected Pat App Publication

_____**PGREF**_____
Req for Refund of Publication Fee Paid

_____**PROTEST**_____
Protest Documents Filed by 3rd Party

_____**PROTRANS**_____
Translation of Provisional in Nonprovisional

_____**REM**_____
Applicant Remarks in Amendment

_____**RESC**_____
Rescind Non-Publication Request

_____**ROCKET**_____
Request for Design Processing

_____**XT/**_____
Extension of Time filed separate

APPL PARTS

_____**371P**_____
PCT Papers in a 371 Application

_____**A...**_____
Amendment Including Elections

_____**A.NE**_____
After Final Amendment

_____**A.PE**_____
Preliminary Amendment

_____**ABST**_____
Abstract

_____**ADS**_____
Application Data Sheet

_____**AF/D**_____
Affidavit or Exhibit Received

_____**APPENDIX**_____
Appendix

APPL PARTS

_____**ARTIFACT**_____
Artifact

_____**CLM**_____
Claim

_____**COMPUTER**_____
Computer Program Listing

_____**CRFL**_____
CRF Transfer Request

_____**CRFS**_____
Computer Readable Form Statement

_____**DIST**_____
Terminal Disclaimer Filed

_____**DRW**_____
Drawings

_____**FOR**_____
Foreign Reference

_____**FRPR**_____
Foreign Priority Papers

_____**IDS**_____
IDS Including 1449

_____**NPL**_____
Non-Patent Literature

_____**OATH**_____
Oath or Declaration

_____**PET.**_____
Petition

_____**RUSH**_____
OPUBS Printer Query

_____**SEQLIST**_____
Sequence Listing

_____**SPEC**_____
Specification

_____**SPEC NO**_____
Specification Not in English

01/20/04